

REMARKS

1. In response to the Office Action mailed October 23, 2006, Applicants respectfully request reconsideration. Claims 1-2, 4-6, 8-20 and 22-29 were last presented for examination. Claims 1-2, 4-6, 8-20 and 22-29 were rejected in the outstanding Office Action. No claims have been canceled or added. Claims 1, 20, and 25 have been amended. Thus, upon entry of this paper, claims 1-2, 4-6, 8-20, and 22-29 will be pending in this application. Of these twenty-six (26) claims, three (3) claims (claims 1, 20 and 25) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that the outstanding objections and rejections be reconsidered, and that they be withdrawn.

Art of Record

2. Applicants thank the Examiner for returning form PTO/SB/08s filed by Applicants on July 28, 2006 which have been initialed by the Examiner indicating consideration of the references cited therein.

Drawings

3. Applicants note with appreciation the Examiner's indication that the drawings filed on June 26, 2003 have been accepted as formal drawings.

Claim Rejections

4. Independent claims 1, 20 and 25 and dependent claims 2, 4-6, 8-19, 22-24 and 26-29 have been rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 6,617,872 to Vogley (hereinafter, "Vogley") in view of U.S. Publication No. US2003/0130969 to Hawkins, et al. (hereinafter, "Hawkins"). Based on the above Amendments and following Remarks, Applicants respectfully request that these rejections be reconsidered, and that they be withdrawn.

5. Claim 1, as amended, recites, in part, "wherein said baseboard management controller is configured to monitor a response of the plurality of components of said

electronic system to said test frequencies.” In rejecting claim 1, the Examiner relied on Vogley as allegedly disclosing a “controller configured to monitor a response of [an] electronic system to ... test frequencies.” (*See*, Office Action at 3.) For the below discussed reasons, Applicant respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 1.

6. As Applicant noted in Applicant’s prior response, Vogley is directed to a integrated circuit test arrangement for testing an integrated circuit device at a variety of high clock rates. (*See*, Vogley at Abstract.) In the system of Vogley, individual integrated circuits (24 and 25) are plugged into test sockets (30 and 31). (*See*, Vogley at col. 2 lns. 57-60.) When an integrated circuit device, is to be tested a program is loaded into a microprocessor (44 and 45) associated with the integrated circuit device to be tested. (*See*, Vogley at col. 3 lns. 35-38.) The integrated circuit device is then tested and test results are stored by the microprocessor (44 and 45). (*See*, Vogley at col. 5 lns. 13-15.) As such, Vogley only discloses the microprocessor obtaining results for the individual integrated circuit device the microprocessor is associated with. Vogley accordingly does not teach or suggest that this microprocessor monitors a response of a plurality of components of the electronic system to the test values, but instead only discloses the microprocessor monitoring it’s associated individual integrated circuit device.

7. Applicant therefore respectfully submits that Vogley fails to teach or suggest [a] “baseboard management controller ... configured to monitor a response of the plurality of components of said electronic system to said test frequencies,” as recited by claim 1. Applicant further respectfully submits that Hawkins does not cure, nor has the Examiner alleged that it cures, the above noted defect of Vogley. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection to claim 1 for at least this reason.

8. Independent claims 20 and 25 have been similarly amended. As such, Applicant respectfully submits that for at least similar reasons to those discussed above, independent claims 20 and 25 are likewise in condition for allowance.

The Examiner has Failed to Provide Evidence of a Motivation to Combine

9. The §103 rejections are *prima facie* improper because they provide no appropriate basis for combining Vogley and Hawkins. As Applicant previously noted, in order to

establish a *prima facie* rejection of obviousness, the Office Action must provide specific reasons in the art suggesting a combination of references in the manner claimed. (*In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002), See also *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“[P]articular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”).

10. The Office Action attempts to justify combining Vogley with Hawkins based on the following conclusory statement:

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because adding a baseboard management controller would have allowed the skilled artisan to provide intelligence to the platform management. (See Hawkins, page2 paragraph [0015]) (See, Office Action at pg. 3.)

11. The above quoted conclusory statement merely provides a reason for using the system of Hawkins. It does not, however, provide any reason why someone using the system of Vogley might even look to adding intelligence to the platform, or why someone might be motivated to combine Vogley and Hawkins in the manner claimed.

12. As such, because the Examiner has failed to provide evidence of a motivation to combine Vogley and Hawkins in the manner claimed, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under §103 for at least this additional reason.


Dependent Claims

13. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

14. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,



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